

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARY HALEY and MICHAEL HALEY,
LESLIE BANKS and JAMES HAL BANKS,
ANNIE BUINEWICZ and BRIAN BUINEWICZ,
TERRANCE McIVER AND JEAN ANN McIVER,
SUSAN SENYK, CHRISTIAN SENYK,
GARY SAMUELS, PATRICIA GROOME,
MATTHEW DELLER, RENEE DELLER
and MARIE LOHR, on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

KOLBE & KOLBE MILLWORK CO., INC.,

Defendant,

and

FIREMAN'S FUND INSURANCE COMPANY
and UNITED STATES FIRE INSURANCE COMPANY,

Intervenor Defendants.

ORDER

14-cv-99-bbc

In an order dated June 7, 2016, dkt. #544, I concluded that defendant is entitled to summary judgment on all of plaintiff's claims. However, because claims regarding the intervening insurance companies' duty to defend and indemnify were pending, the clerk of court did not enter judgment. Now both plaintiffs and defendant have moved for entry of

judgment with respect to plaintiff's claims, in accordance with Fed. R. Civ. P. 54(b). Dkt. #546 and dkt. #553. Because I agree with the parties that the merits of plaintiffs' claims are sufficiently distinct from the insurance issues to allow separate appeals and there is no just reason for delaying the entry of judgment on plaintiffs' claims, I am granting the parties' motions. E.g., Eberts v. Goderstad, 569 F.3d 757, 760 (7th Cir. 2009) (considering separate appeal of insurance coverage issues after Rule 54(b) judgment was entered); Curtis-Universal, Inc. v. Sheboygan Emergency Medical Services, Inc., 43 F.3d 1119, 1121 (7th Cir. 1994) (same).

ORDER

IT IS ORDERED that the parties' motions to enter partial judgment under Fed. R. Civ. P. 54(b), dkt. ##546 and 553, are GRANTED. The clerk of court is directed to enter judgment in favor defendant Kolbe & Kolbe Millwork Co., Inc. on all of plaintiffs' claims.

Entered this 8th day of July, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge